

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

RICHMOND YARMAI,

Plaintiff,

v.

CIVIL ACTION NO. 5:21-cv-00263

MICHAEL D. CARVAJAL, *et. al*,

Defendant.

ORDER

Pending are (1) Plaintiff's Complaint [Doc. 1], filed April 23, 2021; (2) Plaintiff's first Application to Proceed Without Payment of Fees and Costs [Doc. 4], filed May 7, 2021; (3) Plaintiff's second Application to Proceed Without Payment of Fees and Costs [Doc. 6], filed June 3, 2021; and (4) Plaintiff's Amended Complaint [Doc. 12], filed March 31, 2022. This action was previously referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Aboulhosn filed his PF&R on February 29, 2024. [Doc. 16]. Magistrate Judge Aboulhosn recommended that the Court dismiss the Plaintiff's Complaints without prejudice, deny the Applications to Proceed Without Payment of Fees and Costs, and remove the matter from the docket.

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*" (emphasis added)). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's

right to appeal the Court's order. *See* 28 U.S.C. § 636(b)(1); *see also United States v. De Leon-Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (Parties may not typically “appeal a magistrate judge’s findings that were not objected to below, as § 636(b) doesn’t require de novo review absent objection.”); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on March 18, 2024. No objections were filed.

Accordingly, the Court **ADOPTS** the PF&R [**Doc. 16**], **DENIES** the Plaintiff’s Complaints [**Docs. 1, 12**], **DENIES** the Plaintiff’s Applications to Proceed Without Payment of Fees and Costs [**Docs. 4, 6**], and **DISMISSES** the matter.

The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party.

ENTERED: April 4, 2024



A handwritten signature in black ink that reads "Frank W. Volk". The signature is written in a cursive, flowing style.

Frank W. Volk
United States District Judge